

JEFFREY H. WOOD
Acting Assistant Attorney General
Environment and Natural Resources Division
ALAN D. GREENBERG
Environmental Defense Section
U.S. Dept. of Justice
999 18th Street, Suite 370
Denver, CO 80202
(303) 844-1804
alan.greenberg@usdoj.gov
Counsel for Defendants

KURT G. ALME
United States Attorney
District of Montana
901 Front Street, Suite 1100
Helena, MT 59626
(406) 457-5120
mark.smith3@usdoj.gov

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
GREAT FALLS DIVISION

| | | |
|-------------------------------------|---|---------------------------|
| UPPER MISSOURI WATERKEEPER, |) | No. 4:16-cv-00052-BMM |
| |) | |
| Plaintiff, |) | |
| |) | DEFENDANTS' SECOND |
| v. |) | CROSS-MOTION FOR |
| |) | SUMMARY JUDGMENT |
| UNITED STATES ENVIRONMENTAL |) | |
| PROTECTION AGENCY and SCOTT PRUITT, |) | |
| Administrator, United States |) | |
| Environmental Protection Agency, |) | |
| |) | |
| Defendants, |) | |
| |) | |
| and |) | |
| |) | |
| STATE OF MONTANA DEPARTMENT |) | |
| OF ENVIRONMENTAL QUALITY, |) | |
| TREASURE STATE RESOURCE |) | |
| ASSOCIATION OF MONTANA, MONTANA |) | |
| LEAGUE OF CITIES AND TOWNS, and |) | |
| NATIONAL ASSOCIATION OF CLEAN |) | |
| WATER AGENCIES, |) | |
| |) | |
| Intervenor-Defendants. |) | |

Defendants United States Environmental Protection Agency and Acting Administrator Andrew Wheeler, pursuant to Fed. R. Civ. P. 56, move for judgment dismissing the Amended Complaint with prejudice because there is no genuine issue as to any material fact and Defendants are entitled to judgment as a matter of law. Argument and citation to authority supporting this motion are contained in Defendants' Memorandum in Opposition to Plaintiff's Second Motion for Summary Judgment and in Support of Defendants' Second Cross-Motion for Summary Judgment, which is filed contemporaneously with this motion.

Respectfully submitted,

JEFFREY H. WOOD
Acting Assistant Attorney General
Environment and Natural Resources
Division

Dated: August 9, 2018

By: /s/ Alan D. Greenberg
DANIEL PINKSTON
Environmental Defense Section
Environment and Natural Resources
Division
U.S. Department of Justice
999 18th Street, Suite 370
(303) 844-1366
Alan.greenberg@usdoj.gov

KURT G. ALME
United States Attorney
District of Montana
901 Front Street, Suite 1100
Helena, MT 59626
(406) 457-5120
Mark.smith3@usdoj.gov

CERTIFICATE OF SERVICE

It is hereby certified that on August 9, 2018, the undersigned caused DEFENDANT'S SECOND CROSS-MOTION FOR SUMMARY JUDGMENT to be served by filing it through the Court's ECF system.

s/ Alan D. Greenberg